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Wolf-livestock Conflict Deterrence Commission Rule Making

**Washington Department
of Fish and Wildlife**



*Washington
Department of
FISH and
WILDLIFE*



WDFW has initiated rule making to amend WAC Chapter 220-440 to address wolf-livestock conflict deterrence

Major process components

1. State Environmental Policy Act (SEPA) – Supplemental Environmental Impact Statement (SEIS)
2. Regulatory Fairness Act – Small Business Economic Impact Statement (SBEIS) (if applicable)
3. Commission rule making (CR-101, CR-102, CR-103)



SEPA and SEIS process

The proposed SEPA review process for this rule making includes:

- Adoption of the 2011 Final EIS for the Wolf Plan,
- Preparation of a SEIS to specifically address the impacts related to the rule making alternatives,
- The issuance of a draft SEIS followed by a **public comment period**, and,
- A final document that includes responses to public comments.

FINAL
Environmental Impact Statement (EIS)
for the
Wolf Conservation and Management Plan
for Washington

LEAD AGENCY
Washington Department of Fish and Wildlife
Wildlife Program
600 Capitol Way N
Olympia, Washington

July 28, 2011



Considerations and limitations for alternatives

- **WDFW recognizes that repeated livestock loss and wolf removals are likely to cause significant hardship for livestock producers and their animals, as well as their communities, wolf packs, the wolf advocate community, and WDFW staff**
- **Livestock depredation by wolves is not uniform across the landscape**
 - Multiple confounding factors make it difficult to predict where and when depredations by wolves will occur
 - Each calendar year from 2012 – 2020 (excluding 2013 and 2015 when no lethal removals of wolves occurred), wolf depredations on livestock have escalated to the point of lethal removal authorization by the WDFW Director in 14 pack territories, 13 of which were located in Ferry and Stevens counties
- **Washington state has more than 9,000 beef cattle livestock operations alone (not to mention dairy cattle, sheep, and other livestock operations)**
 - It is neither feasible nor sustainable for WDFW to oversee and document the implementation of nonlethal conflict mitigation tools on an individual basis for each livestock operation in occupied wolf territory
- **Although WDFW's enabling statutes authorize broad discretion to manage wildlife, they do not authorize WDFW to mandate, regulate, or enforce the management of livestock operations or animal husbandry practices**



Preliminary Draft SEIS Alternatives

Alternative 1: Develop a rule based on the Protocol to establish general criteria for the use of non-lethal and lethal measures to mitigate wolf-livestock conflict.

Alternative 2 (*preliminarily assessed as agency preferred alternative*): Develop a rule that uses area-specific conflict mitigation plans to establish criteria for the use of non-lethal and lethal measures to mitigate wolf-livestock conflict in areas of chronic conflict.

Alternative 3: Develop a rule similar to the “Petition to amend the Washington Administrative Code to require use of nonlethal techniques to reduce livestock-wolf conflict” sent to the Fish and Wildlife Commission on May 11, 2020 (Petition), which would establish criteria for the use of non-lethal and lethal measures to mitigate wolf-livestock conflict both generally and with specific criteria for areas with chronic conflict.

Alternative 4: No Action. WDFW would not develop rule changes related to wolf-livestock conflict deterrence.



SEPA/SEIS timeline overview

Activity	Period (tentative, dates subject to change)
Prepare preliminary draft SEIS	Ongoing
Issue draft SEIS/ public comment period	September 2021 (30 days min.)
Review/respond to public comments on draft SEIS	September – December 2021
Issue final SEIS	TBD



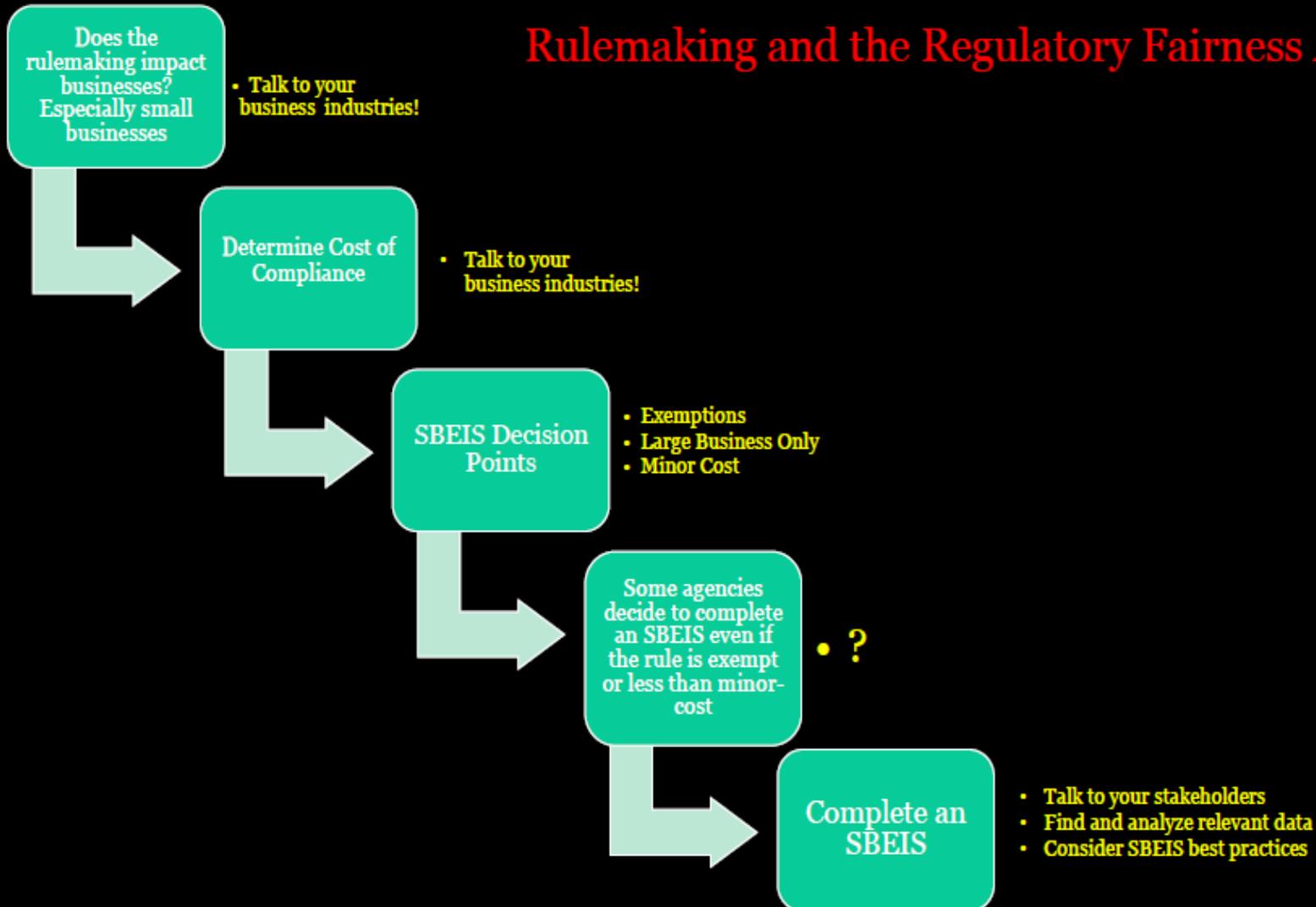
SBEIS process (if applicable)

- The Regulatory Fairness Act (RCW 19.85) requires agencies to prepare a SBEIS under certain circumstances
- If WDFW determines that a proposed rule would impose more than minor costs on small businesses, then WDFW would prepare a SBEIS
- Small business means any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, and that has fifty or fewer employees.
- "Minor cost" means a cost per business that is less than three-tenths of one percent of annual revenue or income, or one hundred dollars, whichever is greater, or one percent of annual payroll. (COST >\$100)



SBEIS process (if applicable)

Rulemaking and the Regulatory Fairness Act-REVIEW



SBEIS timeline overview (if applicable)

Activity	Period (tentative, dates subject to change)
Notify livestock producers of preparation of SBEIS and hold engagement dates	August 2021
Prepare SBEIS	September – December 2021
SBEIS livestock producer engagement	October – November 2021
Issue SBEIS	TBD



Rule making process



CR-101 = Preproposal statement of inquiry

CR-102 = Proposed rulemaking notice

CR-103 = Rule making order to adopt the rule (permanent)

CES = Concise Explanatory Statement

wdfw.wa.gov/about/regulations/glossary





PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 13, 2020

TIME: 8:13 AM

WSR 20-21-039

Agency: Washington Department of Fish and Wildlife (Department)

Subject of possible rule making: The Department is considering rule changes related to wolf management in WAC Chapter 220-440.

Statutes authorizing the agency to adopt rules on this subject:

RCWs 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.36.030, 77.36.100, 77.36.110, and 77.36.130.

Reasons why rules on this subject may be needed and what they might accomplish: Pursuant to the authority in RCW 34.05.330(3)(b), on September 4, 2020 the Governor directed the Department's Fish and Wildlife Commission to initiate rulemaking proceedings.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: U.S. Fish and Wildlife Service regulates wolves in the federally listed portion of the state and Washington Department of Agriculture regulates grants for deployment of non-lethal wolf deterrence. The Department will advise and seek input from these agencies.

Process for developing new rule (check all that apply):

Negotiated rule making



Rule making process steps (completed)

Activity	Period
File CR-101	October 13, 2020
Conduct intake interviews	January – March 2021
Compile intake results and develop rule process/content recommendation – results online	March 2021
Share intake results and propose process/content recommendation to Wolf Committee – recording online	April 5, 2021



Rule making timeline overview

Activity	Period (tentative, dates subject to change)
Prepare preliminary draft SEIS	Ongoing
Issue draft SEIS/ public comment period	September 2021 (30 days min.)
Review/respond to public comments on draft SEIS	September – December 2021
Issue final SEIS	TBD
File CR-102 (with SBEIS if applicable)	January 22, 2022
Public comment on CR-102	January – March 2022
Review/respond to public comments on CR-102	January – April 2022
Draft rule presentation to Commission and public hearing	March 2022
Prepare CES (Concise Explanatory Statement) and CR-103	March 2022
Commission decision on staff recommendation	April 2022



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Washington:**

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e-mail notifications of wolf activity
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